

REGULAR CITY COUNCIL MEETING
MAY 8, 2000

PRESENT

R. Dale Roper
Wesley Bloomfield
Gayle Bunker
Bruce Curtis
Robert Dekker
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Gregory Jay Schafer
Neil Forster
Richard Waddingham
Judy Baker
Peggy Overson
Travis Jones
Barbara Pierson
Bryant Curtis & Jenny Curtis
Rich Archibald
Michele Fields
Georgia Hare & Ron Hare
Craig & Jon Young
Tom Callister
Brian & Casey Bunker

City Recorder
Public Works Director
City Attorney
City Treasurer
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Central Utah Mental Health/Univ. Of Utah
West Millard Baseball
City Resident
City Residents

Mayor Roper called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda was posted at the City Building, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council at least two days prior to the meeting. Gregory Jay Schafer, City Recorder, acted as secretary.

Council Member Robert Dekker offered an invocation, after which Mayor Roper led those in attendance in the Pledge of Allegiance.

MINUTES

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The minutes of a Public Hearing held April 10, 2000 were presented for consideration and approval. Council Member Wesley Bloomfield MOVED to approve the minutes of the Public Hearing held April 10, 2000, as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The minutes of a Regular City Council Meeting held April 10, 2000 were presented for consideration and approval. Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held on April 10, 2000, as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Robert Dekker MOVED to approve the accounts payable, in the amount of \$165,874.33. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

CRAIG YOUNG, WEST MILLARD BASEBALL: NEIGHBORHOOD PARK BALL DIAMONDS

Mr. Young distributed to the Council copies of information which he had compiled. Mr. Young explained that West Millard Baseball is a group of volunteers who administer the baseball program in West Millard County. The committee coordinates with, but is not associated with, Millard County government. Mr. Young also explained the association to which West Millard Baseball is affiliated and the functions of the committee, as well as the programs offered. There are currently 434 players registered with West Millard Baseball.

Mr. Young expressed the desire of West Millard Baseball to host all star tournaments in Delta. When a state tournament is hosted, approximately 12-14 teams would be coming to Delta to participate; if a regional tournament was hosted, it would involve 10 teams from Utah, California, Nevada, Arizona and Guam. Mr. Young explained what equipment would be required in order to host a tournament.

Mr. Young outlined several projects which have been completed by Delta City and other groups to

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improve the Neighborhood Park ball fields and expressed his appreciation to Delta City and the others who have donated the time and money for improvements. Mr. Young requested future support for West Millard Baseball and improving the facilities and equipment.

Mayor Roper commended Mr. Young and West Millard Baseball for their work with our youth. Council Member Robert Dekker asked Mr. Young to advise the Council if there are other items which need improvement so that funds could be outlined in the budget for next fiscal year.

THOMAS CALLISTER: UNKEMPT CONDITIONS AT RESIDENCE LOCATED AT APPROXIMATELY 100 EAST AND 100 NORTH

Mr. Callister advised the Council that he is concerned about an area in his neighborhood where dogs are jumping fences and chasing residents and the area is littered with 6 to 8 junk automobiles and other trash. Mr. Callister noted that the Delta City Nuisance Ordinance limits the number of junk vehicles which can be kept at a residence and he does not feel that Delta City has been diligent in enforcing the ordinance, especially at the residence in his neighborhood. Mr. Callister requested that the Council address this issue and take action to see that the residents clean up their property.

Mayor Roper reminded Mr. Callister that any problems with the dogs need to be handled through the Animal Control Officer. Mayor Roper also advised Mr. Callister that enforcement of the Nuisance Ordinance at this residence has been turned over to the City Attorney for action. City Attorney Richard Waddingham advised Mr. Callister that legal action will begin next week.

GEORGIA HARE, CENTRAL UTAH MENTAL HEALTH: REQUEST FOR SPONSORSHIP TO UNIVERSITY OF UTAH SCHOOL ON ALCOHOLISM AND OTHER DRUG DEPENDENCIES

Mrs. Hare noted that she is representing the University of Utah, not Central Utah Mental Health, in requesting that Delta City again sponsor individuals in attending the University of Utah School of Alcoholism and Other Drug Dependencies. She thanked the Council for their prior support of this program and requested two scholarships for this year, at a total cost of \$465.00, which would cover tuition and rooms. Council Member Gayle Bunker MOVED to approve two scholarships to the University of Utah School on Alcoholism and Other Drug Dependencies, at a cost of \$465.00. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PEGGY OVERSON/BRYANT CURTIS, DELTA AREA CHAMBER OF COMMERCE: OLD BUSINESS SIGNS IN DELTA

Mrs. Overson reported to the Council that the Chamber of Commerce had discussed the problem of businesses in Delta which have closed and left their old signs up. These signs make it difficult for visitors to the area to discern which businesses are open and which are not. The Chamber of

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Commerce would like to know if there is any way to get these signs removed or covered over. Mrs. Overson also questioned whether these signs come under the jurisdiction of Delta City. Mayor Roper asked City Attorney Waddingham to address this issue.

City Attorney Waddingham advised that it is the responsibility of the property owner to remove old signs. He noted that the decision of a Supreme Court case involving whether a city could force a property owner to remove signs resulted in a decision that, if the city had an ordinance in place addressing the issue, the city could compel removal of the sign. However, Delta City does not have an ordinance addressing the removal of signs. City Attorney Waddingham has talked with property owners in the past about removal of signs and has found many who do not want to remove the signs. He has also talked with property owners who lease property on Main Street and suggested that they make removal of signs a part of the lease agreement, but it appears that this has not happened either. City Attorney Waddingham and the Council were in agreement that there is a problem but advised Mrs. Overson that it requires the cooperation of the property owner to get the signs removed.

City Attorney Waddingham noted that the Council could adopt an ordinance requiring a conditional use permit in order to place signs on businesses, however, the ordinance would not be retroactive and would have no effect on those signs currently in place. City Attorney Waddingham suggested that the best way to solve the problem would be to encourage prospective lessees to require removal of signs as a part of their lease agreement with property owners.

It was determined that the Chamber of Commerce will contact their members to determine whether business owners would support an ordinance requiring a conditional use permit in order to place signs on businesses and giving authority to Delta City to charge business owners for removal of signs which are left up after businesses have closed or moved. The Council will consider adopting an ordinance if the business owners would support it.

PUBLIC WORKS DIRECTOR NEIL FORSTER: APPROVAL OF APPLICANT TO FILL POSITION AS ANIMAL CONTROL OFFICER

Public Works Director Neil Forster noted that the Council had approved advertising for an animal control officer. The advertising has been done, applications have been received and four individuals were interviewed by Public Works Director Neil Forster and Mayor Roper. The position has been offered to Gene Stanworth and he has agreed to accept the position. Public Works Director Forster requested approval of the Council to hire Gene Stanworth as animal control officer.

Council Member Robert Dekker MOVED to approve hiring Gene Stanworth as animal control officer. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PROPOSED ZONE CHANGE FROM CENTRAL

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BUSINESS (CB) TO MULTIPLE FAMILY RESIDENTIAL (R-4) ON PROPERTY LOCATED
AT APPROXIMATELY 98 WEST MAIN STREET

Mayor Roper stated that, prior to this meeting, a public hearing had been held regarding this proposed zone change. There were no negative comments expressed at the public hearing.

City Attorney Waddingham presented the following ordinance for approval:

ORDINANCE NO. 00-190

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH, AMENDING THE ZONE
DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY FROM CENTAL
BUSINESS (CB) TO MULTIPLE FAMILY RESIDENTIAL (R-4) FOR PROPERTY
LOCATED AT APPROXIMATELY 98 WEST MAIN STREET

Council Member Glen Swalberg MOVED to approve Ordinance No. 00-190, an ordinance amending the zone district boundaries to reclassify certain property from Central Business (CB) to Multiple Family Residential (R-4) for property located at approximately 98 West Main Street. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

| | |
|-------------------|--------------------------------|
| Wesley Bloomfield | Yes |
| Gayle Bunker | Abstain - conflict of interest |
| Bruce Curtis | Yes |
| Robert Dekker | Yes |
| Glen Swalberg | Yes |

The motion carried.

MAYOR R. DALE ROPER: ADOPTION OF DELTA CITY TENTATIVE BUDGET FOR
FISCAL YEAR 2000-2001

Mayor Roper explained that this is a very tentative budget and will probably have numerous changes following the budget work session. Council Member Gayle Bunker MOVED to approve the Delta City Tentative Budget for Fiscal Year 2000-2001 in the amount of \$2,782,843.00. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the budget. There being none, he called for a vote. The motion passed

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unanimously.

MAYOR R. DALE ROPER: SET PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE PROPOSED DELTA CITY AMENDED BUDGET FOR FISCAL YEAR 1999-2000

Mayor Roper recommended that the public hearing for the Delta City Amended Budget for Fiscal Year 1999-2000 be set for Monday, June 12, 2000. Council Member Wesley Bloomfield MOVED to hold a public hearing, for the purpose of receiving public comment regarding the Delta City Amended Budget for Fiscal Year 1999-2000, on Monday, June 12, 2000 at 6:30 p.m. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: SET PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE PROPOSED DELTA CITY FINAL BUDGET FOR FISCAL YEAR 2000-2001

Mayor Roper recommended that the public hearing for the Delta City Final Budget for Fiscal Year 2000-2001 also be held on Monday, June 12, 2000. Council Member Wesley Bloomfield MOVED to set a public hearing, for the purpose of receiving public comment regarding the Delta City Final Budget for Fiscal Year 2000-2001, on Monday, June 12, 2000 at 6:45 p.m. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: SET DATE FOR BUDGET WORK SESSION REGARDING THE PROPOSED DELTA CITY FINAL BUDGET FOR FISCAL YEAR 2000-2001

Mayor Roper recommended that the Budget Work Session be held between May 19th and June 15th. The Council agreed to hold the Budget Work Session on Wednesday, June 7, 2000 at 10:00 a.m.

MAYOR R. DALE ROPER: RATIFICATION OF FIVE YEAR EXTENSION OF TERM FOR PEAK CABLEVISION FRANCHISE TAX AGREEMENT

Mayor Roper explained that the cable television franchise tax agreement called for an automatic five year extension contingent on compliance with the current ordinance. City Attorney Waddingham stated that he has received verification of insurance coverage but has not yet received verification of compliance with the bond requirements. City Attorney Waddingham has also requested that updated route maps of the cable television service be provided to Delta City.

Council Member Wesley Bloomfield MOVED to table this item until such time as Peak Cablevision has provided all items requested by City Attorney Waddingham. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: RECREATIONAL VEHICLE DUMP STATION

Mayor Roper reminded the Council that they had previously discussed a recreational vehicle dump station to be utilized by recreational vehicles traveling through our area. The station would also provide potable water to fill storage tanks. Mayor Roper and Public Works Director Forster have discussed a system which would make water available at a per gallon charge, and have discussed possible locations, but have not determined a location for the station. Mayor Roper asked Council Members for input on the matter.

Council Member Gayle Bunker suggested that additional property to the south of the city well on 300 West be obtained, through either long term lease or purchase, for the purpose of locating the station in that area, where adequate water and sewer access is available. Mayor Roper stated that he would discuss a long term lease or purchase of the property suggested by Council Member Bunker. There was also discussion of locating the dump station near the Delta City Maintenance Yard. Mayor Roper requested that Council Members look around the city to determine if there is a better location for the dump station.

Council Member Wesley Bloomfield MOVED to table discussion of this item until the next meeting. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GLEN SWALBERG: SELECTION OF CHAIRPERSON AND THEME FOR FOURTH OF JULY CELEBRATION

Council Member Swalberg advised the Council that Kevin and Celia Harris have agreed to be chairpersons for the Fourth of July celebration. In addition, Council Member Swalberg discussed the suggested themes with Kevin and Celia; they liked the theme of "America on Parade". Council Member Swalberg mentioned that he had some possible committee persons to discuss with the Harrises and felt like the preparations would go smoothly.

Council Member Glen Swalberg MOVED to accept Kevin and Celia Harris as Co-Chairpersons of the Delta City Fourth of July Celebration for 2000 and to adopt "America on Parade" as the theme for the celebration. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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OTHER BUSINESS

Mayor Roper advised the Council that Public Works Director Forster has been working diligently with the Utah Rural Water Association on the reduction of radon and arsenic in drinking water. Mayor Roper attended a Six County Association of Governments meeting where this matter was discussed. There is an entity which has filed suit against the Environmental Protection Agency to require them to set acceptable levels of arsenic at 5 parts per billion. Bringing Delta City into compliance with the 5 parts per billion level would require construction of a \$10 million plant, plus \$250,000 per year in plant maintenance. These figures do not include the cost of disposal of the arsenic. Mayor Roper requested that Council Members be active in discussing this matter with legislators, both state and national, to make them aware of the burden this change would place on municipalities.

Council Member Glen Swalberg made suggestions for Marshall of the Day for the Fourth of July celebration and requested that Council Members come to the next meeting prepared to make a decision. The criteria for selecting these individuals was community service and age. The individuals named were:

Seth Jackson
Dell Ashby
Albert Nickle
Don Evans
Alfred Lake
Ted Harris
Martin Ludwig
Lee Wankier

Council Member Gayle Bunker suggested that Frank Baker should be added to the list.

Council Member Glen Swalberg advised the Council that the Delta City Council of Local Government Committee on History has honored four additional historical home in our area. They are the Dee Church home (the first James Works home), the E.L. Lyman home (now owned by Darrell Hathaway), James Rigby home, built in 1909 (old Eddie Lyman home), and the original Jeff Clark home (520 West 100 North). Council Member Swalberg noted that the committee receives some money from the State, but they spent more for the signs erected at these homes than was expected. Council Member Swalberg requested that Delta City pay \$150.00 toward purchase of the signs. In addition, Council Member Swalberg requested that Council Members consider whether

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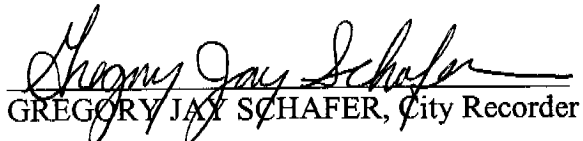
additional funds will be available in the budget for fiscal year 2000-2001 for the Van's Hall renovation.

Council Member Gayle Bunker asked what progress has been made on the request for upgrading the road at 450 South street. Mayor Roper reported that the property is being surveyed prior to approaching property owners about purchase of property to be used for the road.

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 8:00 p.m.


R. DALE ROPER, Mayor


GREGORY JAY SCHAFER, City Recorder

MINUTES APPROVED: RCCM 05-22-00